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232452

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June 14, 2012

Cynthia Brown  
Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street, S.W.  
Washington, D.C. 20423-0001

ENTERED  
Office of Proceedings  
JUN 14 2012  
Part of  
Public Record

Re: *West Oakland Pacific Railroad, LLC – Acquisition Exemption – A  
Line of Railroad Owned by Union Pacific Railroad Company and the  
Burlington Northern Santa Fe Railway Company, Finance Docket No.  
35639*

Dear Ms. Brown:

Enclosed for filing please find an original and ten copies of the Verified Notice of Exemption of West Oakland Pacific Railroad, LLC, together with a check in the amount of \$1,800.00.

If you have any questions regarding this filing, please do not hesitate to contact me.

Very truly yours,

**FEE RECEIVED**

JUN 14 2012

**SURFACE  
TRANSPORTATION BOARD**

Edward D. Greenberg

**FILED**

JUN 14 2012

cc: Chris Stotka

**SURFACE  
TRANSPORTATION BOARD**



An International Association of Independent Law Firms in Major World Centers

232452

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

**FINANCE DOCKET NO. 35639**

**WEST OAKLAND PACIFIC RAILROAD, LLC – ACQUISITION EXEMPTION –  
A LINE OF RAILROAD OWNED BY UNION PACIFIC RAILROAD COMPANY  
AND THE BURLINGTON NORTHERN SANTA FE RAILWAY COMPANY**

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MANAGEMENT  
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**VERIFIED NOTICE OF EXEMPTION OF WEST OAKLAND PACIFIC  
RAILROAD, LLC PURSUANT TO 49 C.F.R. §1150.31**

**FILE RECEIVED**  
JUN 14 2012  
SURFACE  
TRANSPORTATION BOARD

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Office of Proceedings  
JUN 14 2012  
Part of  
Public Record

Edward D. Greenberg, Esq.  
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Phone: (202) 342-5277

Attorney for  
West Oakland Pacific Railroad,  
LLC

Date: June 14, 2012

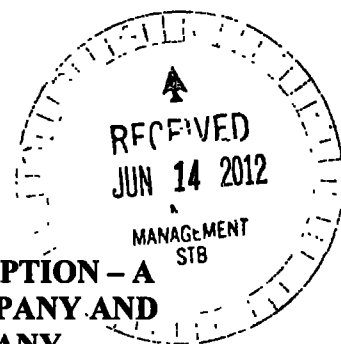
**FILED**

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**SURFACE  
TRANSPORTATION BOARD**

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

**FINANCE DOCKET NO. 35369**



**WEST OAKLAND PACIFIC RAILROAD, LLC – ACQUISITION EXEMPTION – A  
LINE OF RAILROAD OWNED BY UNION PACIFIC RAILROAD COMPANY AND  
THE BURLINGTON NORTHERN SANTA FE RAILWAY COMPANY**

**VERIFIED NOTICE OF EXEMPTION**

West Oakland Pacific Railroad, LLC (“WOPR”), a non-railroad, hereby files this Verified Notice of Exemption, pursuant to 49 U.S.C. §10502 and 49 C.F.R. §1150.31, in order that WOPR may operate over a line of railroad owned by the Union Pacific Railroad Company (“UP”) and BNSF Railway Company (“BNSF”), as more fully described below.

**a. Applicant’s Full Name and Address:**

The full name and address of the applicant, a non-carrier is as follows:

West Oakland Pacific Railroad, LLC  
Port of Oakland  
Warehouse 806, Bay 5  
2498 West 19<sup>th</sup> Street  
Oakland, CA 94607

**b. Name, Address, and Telephone Number of Applicant’s Representative:**

Applicant’s representative, to whom all communications regarding the transaction may directed, is:

Edward D. Greenberg  
GKG Law, P.C.  
Canal Square  
1054 Thirty-First Street, N.W.  
Washington, D.C. 20007  
Phone: 202-342-5277

**c. Agreement:**

Applicant has entered into a formal Agreement with BNSF and UP by which it will act as a contractor to provide switching service to their customers and will be assigned the rights to operate over track they own which is located in the port of Oakland, California. All shippers are being notified of this transaction and WOPR's intention to provide the described service.

**d. Operator of the Property:**

The WOPR will provide common carrier rail service over the lines of BNSF and UP.

**e. Brief Summary of the Proposed Transaction:**

**1. The Name and Address of the Entities that Own the Property:**

BNSF Railway Company  
2600 Lou Menk Drive  
Fort Worth, Texas 76131

Union Pacific Railroad Company  
1400 Douglas Street  
Omaha, Nebraska 68179

**2. Proposed Time Schedule for Consummation of the Transaction:**

WOPR intends to consummate the transaction on or before July 15, 2012.

**3. Milepost Designations of the Subject Property:**

The subject rail line consists of (1) approximately 3800 feet of track owned by UP that runs between 2001 Engineers Road (point A on the map in Exhibit A) and the end of the UP interchange track (point B), and (2) approximately 5,622 feet of track owned by BNSF that runs between a point at or near the Bay Bridge Freeway (point C) and the Gary Steel facilities on 20th Street (point D). WOPR will also operate over various industry track in this area. There are no milepost designations for this track.

**4. The Total Route Miles Being Acquired:**

WOPR will acquire by assignment 1.8 total route miles.

**f. Map:**

A map of the line is attached as Exhibit A to this Notice. Applicant will operate over the UP tracks designated in red and the BNSF tracks designated in green; it will also operate over various industry tracks designated in black.

**g. Projected Certification:**

WOPR hereby certifies that its projected revenues as a result of this transaction will not exceed the amount that would qualify it as a Class III railroad.

**h. Environmental and Historical Certification:**

Pursuant to 49 C.F.R. §1105.6(c)(2)(i), the proposed transaction is exempt from environmental review, because the actions proposed herein will not cause any operating changes that exceed the thresholds established in 49 C.F.R. §1105.7(e)(4) or (5).

Furthermore, this transaction is exempt from historic review under 49 C.F.R. §1105.8(b)(1). Under this section, a sale, lease or transfer of a rail line if rail operations will continue over the line. Further, Board approval is required for any of the parties to this transaction to abandon service, and there are no plans to dispose of or alter the properties subject to Board jurisdiction that are 50 years old or older.

**i. Caption Summary:**

A caption summary in the prescribed form is attached as Exhibit B to this Notice.

Respectfully submitted,

By 

Edward D. Greenberg  
GKG Law, P.C.  
Canal Square  
1054 Thirty-First Street, N.W.  
Washington, D.C. 20007  
Telephone: 202-342-5277  
Facsimile: 202-342-2311

Attorney for  
West Oakland Pacific Railroad, LLC

Dated: June 15, 2012

**VERIFICATION**

STATE OF CALIFORNIA            )  
  ) ss:  
COUNTY OF ALAMEDA         )

I, Christopher L. Stotka, Vice President of the West Oakland Pacific Railroad, LLC declare under penalty of perjury, under the laws of the United States of America, that I have read the foregoing Verified Notice of Exemption and that its statements are true and correct to the best of my knowledge, information and belief. I further declare that I am qualified and authorized to submit this verification on behalf of West Oakland Pacific Railroad, LLC. I know that willful misstatements or omissions of material facts constitute Federal criminal violations punishable under 18 U.S.C. §1001 by imprisonment up to five years and fines up to \$10,000 for each offense. Additionally, any such misstatements are punishable as perjury under 18 U.S.C. §1621, which provides for fines up to \$2,000 or imprisonment up to five years for each offense.

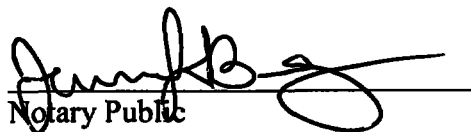
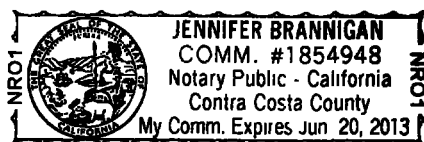
Dated at Alameda County, California, this 12<sup>th</sup> day of June, 2012.



Christopher L. Stotka

SUBSCRIBED AND SWORN TO before me this 12<sup>th</sup> day of June, 2012.

Witness my hand and official seal.

  
Notary Public

My commission expires: June 20, 2013

# EXHIBIT A



TRACK OWNERSHIP EXHIBIT  
JUNE 12, 2012 PAGE 1 OF 1

FOR DISCUSSION PURPOSES ONLY NOT FOR CONSTRUCTION



# EXHIBIT B



**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

**FINANCE DOCKET NO. 35369**



**WEST OAKLAND PACIFIC RAILROAD, LLC – ACQUISITION EXEMPTION – A  
LINE OF RAILROAD OWNED BY UNION PACIFIC RAILROAD COMPANY THE  
BURLINGTON NORTHERN SANTA FE RAILROAD COMPANY**

**VERIFIED NOTICE OF EXEMPTION OF WEST OAKLAND PACIFIC RAILROAD,  
LLC PURSUANT TO 49 C.F.R. §1150.31**

West Oakland Pacific Railroad, LLC (“WOPR”), a non-carrier, has filed a verified Notice of Exemption to operate a 1.8-mile railroad line consisting of approximately 3,800 feet of track from 2001 Engineers Road to the trestle located on the east side of Wood Street, and approximately 5,622 feet of track from a point at or near the Bay Bridge Freeway and the Gary Steel facilities on 20<sup>th</sup> Street in Oakland, Alameda County, California. These tracks are owned and operated by Union Pacific Railroad Company and Burlington Northern Santa Fe Railway Company, respectively. Comments must be filed with the Board and served on Edward D. Greenberg, GKG Law, P.C., 1054 31<sup>st</sup> Street, NW, Washington, D.C. 20007 (tel. 202-342-5277). The Verified Notice of Exemption is filed pursuant to 49 U.S.C. §10502 and 49 C.F.R. §1150.31

This notice is filed under §1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. §10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.